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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,359	02/23/2004	Nicholas T. Fappiano	26499-01	8834

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EXAMINER

RECLA, HENRY J

ART UNIT	PAPER NUMBER
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3700

DATE MAILED: 09/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/784,359

Applicant(s)

FAPPIANO ET AL.

Examiner

Henry J. Recla

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,4-7 and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Corrente (USPN 4546566). The Corrente reference discloses a fishing pole support having a support plate (2), a first arm (16, 20) and a second arm (18, 22). In regard to claims 2, 6 and 11, see figure 7. In regard to claims 4 and 7, the support can be integrally molded as disclosed in columns 3 and 4, the bridging paragraph.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Corrente in view of Rocka (USPN 3653144). Although the Corrente reference does not disclose that the parts of the fishing rod support are "releasably coupled", it does state that it may be an assembly of multiple parts (see column 3, lines 63-65). In any event, attention is directed to the Rocka reference which discloses another fishing rod holder wherein the parts may be attached together by screws or any other suitable fasteners or integrally molded (see column 2, lines 38-53). To make the parts of the Corrente device separately and attached them together with screws in lieu of integrally molded the

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support as a one-piece unit would have been obvious to one of ordinary skill in the art especially in view of the Rocha reference which clearly teaches that each of these well known manufacturing techniques would work equally well to build the Corrente device.

Claims 1,2 and 4-7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Simko (USPN 4848021). The Simko reference discloses a fishing rod support having support plate 1, first arm 2 and second arm 3. In regard to claims 4 and 7, see columns 3 and 4, the bridging paragraph.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Simko in view of Rocha. In light of column 4, lines 34-41 of the Simko reference and column 2, lines 38-52 of the Rocha reference as discussed above, it would have been obvious to make the parts of the Simko device separately and have them "releasably coupled" together such as with screws. Again, in so doing would amount to mere substitution of one well known manufacturing technique for another.

Claims 1-3, 5, 6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Laehr (USPN 2301885). The Laehr reference discloses a fishing rod holder having support plate (9), first arm (15,17) and second arm (16, 18). In regard to claims 2 and 6, depending on the angle of the first and second arms with respect to the support plate, the reel can be located on either end of the first and second arms. In regard to claim 3, the arms are releasably couple to the support plate via wing nut (19).

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Laehr in view of Rocha. To manufacture the Laehr holder of any suitable material such as plastic

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would have been obvious in view of the explicit teachings of Rocha that such device can be made of various materials using many different manufacturing techniques.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barringer (USPN 2709544) in view of Laehr. The Barringer reference discloses a fishing rod holder mounted to a user's waist. Although the rod (70) differs in structure from that claimed, attention is directed to the Laehr rod holder, which is similar to that claimed. As disclosed on page 2, lines 5-12, the Laehr holder is quick and easy to use. Thus, to employ a rod holder such as that disclosed by Laehr on the Barringer device would have been obvious to one of ordinary skill in the art in order for the user to mount a fishing rod therein in a much quicker and easier manner.

Claims 1,2,5,6,8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Gregory (USPN 2399435). The Gregory fishing rod holder includes support plate (7), first arm (10,11) and second arm (10, 12). In regard to claim 8, the arms are made of "wire".

Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gregory in view of Simko or Rocka. To integrally mold the Gregory device of plastic would have been obvious especially in view of the teachings of Simko or Rocka as discussed supra.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPNs 4896806 and 5247759.

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Any inquiry concerning this communication should be directed to Henry J. Recla whose telephone number is 571-272-4386. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Henry J. Recla
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Group 3700